

Manoa Neighborhood Board #7 Meeting, November 2, 2005

*Corrections to the September 7, 2005 MNB #7 minutes by former MNB member, Dr. Clara Y. Ching*

**Issues:** Education of NA to record motions (point of order and appeal decision of chair)  
in minutes accurately with no editorializing

Corrections to the MNB #7 minutes July 7, 2004, at the September 7, 2005 MNB meeting

Three versions: (1) NA (2) Clara Ching (3) Harwood and Heinrich

Revisit Previous Board Minutes as Requested (page 6,7)

Dr Ching believes that the September 7, 2005 MNB #7 minutes is not a fair and accurate representation of the proceedings regarding the correction of the July 7, 2004 MNB #7 minutes.

- Motion by Jim Harwood was not reported accurately.
- Dr. Ching did not agree with the version as documented in the minutes.  
"The following version was agreed upon by Ching, Harwood and Reyes and adopted by the Manoa Neighborhood Board:  
"EVAN DOBELLE AND ITS CONSEQUENCE – Chair Heinrich reviewed the following resolutions proposed by himself and other community member...order of the agenda resumed". (page 6,7) The motion to accept the amended Minutes of the July 7, 2004 meeting carried unanimously."
- UH Administration regarding the termination of UH President Evan Dobelle: Jim Manke, representing the University of Hawaii stated that the Chair called him to comment—he could but would not comment on leadership position change. The subject was under mediation. No comment from anybody. Chair Heinrich then introduced resolutions proposed by himself and others.
- Dr. Ching objected to Harwood's (?) motion that the NA version be accepted not on content and to delete Clara Ching's and Harwood and Heinrich's version.
- Dr. Ching reminded the members of the MNB that the purpose for her correction was to ensure that NA record motions accurately with no personal editing. Where it's stated "Ching challenged the Chair", the motion is "Ching raised a point of order". In the Harwood and Heinrich's version, "Heinrich stated that the revised neighborhood plan did not require a motion to be made before discussion could be held on any issue". Ching appealed the decision of the Chair. And members voted on the question "Shall the decision of the Chair be sustained?" as member George Nakano advised the Chair. The Harwood and Heinrich version reversed the motion, "Shall the appeal to overturn the ruling of the Chair be sustained?" and the votes were the opposite of the NA version. And if you vote on this, I object if there is a motion that the Neighborhood assistant version be kept in and the Ching's version be deleted.
- After much discussion, Chair Nishioka acknowledged "that people will be aware that you did raise a point of order and it was appealed" ... "and it will be applied in the minutes." (p11).

*Clara Ching's Version with corrections as discussed at the September 7, 2005 meeting for adoption*

(Note: Bold print taken from Harwood and Heinrich version)

"During the discussion, Ching raised a point of order. No motion was pending. Therefore, Chair Heinrich should not allow discussion to continue. **Chair Heinrich stated that the Revised Neighborhood Plan did not require a motion to be made before discussion could be held on any issue.** Ching appealed the decision of the Chair. Members voted on the question, Shall the decision of the Chair be sustained? The vote was as follows (5-5-5): Yes: Fassler, Wong, Heinrich, Harwood, Ragsdale. Nay: Ching, Chapin, Iwai, Borges, Pearson. Abstain: Nakano, Ezaki, Hueftle, Shoji, Nishioka. The decision of the Chair was not sustained. Chair Heinrich allowed discussion to continue on this subject".

- Member Jim Harwood statement: "...whatever needs to be done, I will do"  
His comment on no one remembers what happened at that meeting.  
Dr. Ching, at the MNB May 10, 2005 meeting, had made a motion to file minutes of past two years because no one could remember what happened two years ago  
Dr. Ching reported that she has obtained a video of this July 7, 2004 MNB meeting.
- \* Chair Nadine Nishioka assurance in response to Dr. Ching's request for correction of January and March 2005 minutes containing egregious statements reported by NA must be corrected.  
Chair Nishioka responded "...concerns will be in tonight's minutes; will be conveyed in tonight's minutes, constituents will have your version in minutes."
- Dr. Ching requested that corrections in minutes be made in original minutes.

This former Manoa Neighborhood Board Member urgently request that you, as our elected officials, review a professional transcription or video before any further decisions are made based on the facts with impartiality, justice and fairness. The three versions in the July 7, 2004 MNB minutes should also be reviewed to provide you with information for your deliberation. Your consideration of this matter is greatly appreciated. Thank you.

Reference: RNP 1998 edition

p 49 Rule No 8 Parliamentary Practices Section 4-8.1 Motions

(a) "No motion shall be received and considered by the board until the same has been seconded:

p 49 Rule No 7 Conduct of Business Section 4-7.5 Quorum and Majority Vote

"A majority of all the members to which the board is entitled shall constitute a quorum to do business. The affirmative vote of at least the majority of the entire membership to which the board is entitled shall be necessary to take action."

Reference:

Oahu's Neighborhood Board System

Neighborhood Board Member Guidebook, June 2001

(Chapter 92, Public Agency Meetings and Records;

Part I. Meetings, Section 92-9 Minutes, page 44)

- (a) "... the written minutes shall give a true reflection of the matters discussed at the meeting and the view of the participants. The minutes shall include, but need not be limited to: ...
- (3) The substance of all matters proposed, discussed, or decided: and a record, by individual member, of any votes taken; and
  - (4) Any other information that any member of the board requests be included or reflected in the minutes

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exiting driveways are at risk due to the speeding and narrow roadway, which has line-of-sight problems. HPD has monitored the area, and she suggested stop signs be installed to slow down drivers. Chair Heinrich suggested that this subject could be the special focus topic of a future Board meeting. It was also suggested that the speed trailers that display a driver's speed be deployed in this area.

The order of the agenda was deferred to take the reports from the Board of Water Supply and Department of Parks and Recreation at this time. There were no objections.

**DEPARTMENT OF PARKS AND RECREATION** - Chair Heinrich recognized the staff of the Manoa Valley District Park, and reported that the Summer Fun Finale is scheduled for July 23. There are some 450 participants in the Summer Fun Program.

**BOARD OF WATER SUPPLY** - Daryl Hiromoto, representing the Board of Water Supply, reported the following: (1) There were no water main breaks last month, but there was a break earlier today in the Woodlawn Drive and Alani Drive area. (2) The Halawa Xeriscape Garden will be open for tours and plant sales on August 7, 9:00 a.m. - 3:00 p.m. (3) Water conservation is a year around effort, but is particularly important during our dry Summer months. If you see water being wasted, call 748-5041. (4) During July 2003, water consumption was 175 million gallons a day (mgd). For the week ending June 23, consumption was 155 mgd, a decrease of 1.72 mgd from the previous week. Last year for the same time, water use was down 14.73 mgd.

Questions, answers and comments followed: (1) Regarding today's water main break, water service was partially restored within an hour after the break was better isolated. (2) The matter of a maximum limit for development of water resources could be the subject of a special focus topic at a future Board meeting. (3) Markings painted on streets may be to identify the location of various underground utility company lines, placed there by the utility companies so that contractors working in the area do not accidentally damage them.

The order of the agenda resumed.

**COMMUNITY INPUT, CONTINUED:**

**UNIVERSITY OF HAWAII ADMINISTRATION** - Jim Manke, representing the University of Hawaii, reported the following: (1) Development of the tea house at the Lyon Arboretum is years away at this time. (2) Repaving of the Astronomy Institute's parking lot will be done in phases and take six weeks to complete. The work also includes work on curbs and walkways. (3) The coffee shop in the Atherton YMCA is being displaced to another location because its space is being leased for other uses. (4) He had no comments on the firing of President Dobelle. *Chair called to comment - could but would not comment on leadership position change. Subject under mediation. No comment from ANY BODY.*

Questions, answers and comments followed: (1) The new parking structure on Dole Street will be ready for the start of classes this Fall.

Chair Heinrich deferred the agenda to take an item of New Business at this time. There were no objections.

**NEW BUSINESS:**

**CONSIDERATION OF VARIOUS PROPOSED RESOLUTIONS RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS' DECISION TO REMOVE PRESIDENT**

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*? identify which resolutions*  
**EVAN DOBELLE AND ITS CONSEQUENCES**

*? identify board members*  
*motivated community members ??*  
Chair Heinrich reviewed the following resolutions proposed by himself and other community members: (1) Request that a community representative from the Manoa Neighborhood Board No. 7 (and possibly the McCully-Moiliili Neighborhood Board No. 8) be included as a member of the new presidential selection committee. (2) Acknowledge the continued positive relationship between the Manoa Neighborhood Board and the University of Hawaii e.g., Dobelle's initiatives, proposed acquisition of Paradise Park area, various capital improvement projects, "University Town Center" discussions, participation on the UH-Manoa Long Range Development Plan Committee (Tom Heinrich, Jim Harwood, Ron Lockwood). (3) Request that the Governor remove all of the present members of the Board of Regents and start fresh. (4) Express concerns with the apparent lack of progress and/or abuse of process by the Board of Regents in the matter of the termination of President Dobelle; breaches of secrecy ("anonymous Regent sources"). (5) State the Manoa Neighborhood Board's opposition to the termination of President Dobelle. (6) Proposed that the primary UH Manoa campus area be given to the McCully-Moiliili Neighborhood Board No. 8.

Discussion, pro and con, followed on the above items.

*not done at May 4, 2005 MNB#7 meeting*  
(Note from Jim Harwood, May, 2005: There is controversy about the wording of the Board's actions at this point. Following are three versions to be voted on by the Board during approval of the minutes.)

**Neighborhood Assistant's version:**

[During the discussion, Ching challenged Chair Heinrich's allowing discussion without previously having a motion on the floor. A vote was taken on whether or not to uphold the Chair's ruling to allow the discussion. a yea vote would uphold the Chair's ruling, a nay vote would not uphold the Chair's ruling. The vote was as follows: Yea: Fassler, Wong, Heinrich, Harwood, Ragsdale. Nay: Ching, Nakano, Chapin, Iwai, Borges, Pearson. Abstain: Ezaki, Hueftle, Shoji, Nishioka. There was no majority vote to uphold or not uphold the Chair's ruling. Chair Heinrich allowed discussion to continue on this subject.]

**Clara Ching's version:**

[During the discussion, Ching raised a point of order. No motion was pending. Therefore, Chair Heinrich should not allow discussion to continue. Chair Heinrich stated this discussion was permitted at Neighborhood Board meetings. Ching appealed the decision of the Chair. Members voted on the appeal, "Shall the decision of the Chair to allow discussion be sustained?" The vote was as follows: Yes: Fassler, Wong, Heinrich, Harwood, Ragsdale. Nay: Ching, Nakano, Chapin, Iwai, Borges, Pearson. Abstain: Ezaki, Hueftle, Shoji, Nishioka. Chair Heinrich allowed discussion to continue on this subject.]

**Harwood and Heinrich's version:**

[During the discussion, Ching raised a point of order concerning whether the discussion could proceed without a motion having been made. Chair Heinrich stated that the Revised Neighborhood Plan did not require a motion to be made before discussion could be held on any issue. Ching appealed the Chair's decision [to the Board] The question then put [to the Board] was, "Shall the appeal to overturn the ruling of the Chair be sustained?" The vote was as follows: (6-5-4) Yea: Ching, Nakano, Chapin, Iwai, Borges, Pearson. Nay: Fassler, Wong, Heinrich, Harwood, Ragsdale. Abstain: Ezaki, Hueftle, Shoji, Nishioka. The question (appeal) failed as nine affirmative votes are required. Therefore Chair Heinrich allowed discussion on the University of Hawaii leadership issues to continue.]

*Vol. RNP 1998 edition p49 Section 4.8.1 Motion*

*a) No motion shall be received and considered by the Board until same has been seconded*